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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,794	08/02/2001	John F. Broker	BRO009-162	4309
7590 Whirlpool Patents Company -MD 0750 500 Renaissance Drive Suite 102 St. Joseph, MI 49085			EXAMINER	
HAILU, TADESSE				
ART UNIT		PAPER NUMBER		
2173				
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10/05/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOHN F. BROKER, DOUGLAS W. GARDNER,  
ALAN V. NEUBAUER, BRIAN L. NESS, and  
KIM L. WRIGHT

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Appeal 2011-000179  
Application 09/919,794  
Technology Center 2100

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Before STEVEN J. BARTLETT, *Support Division 2 Manager*.

ORDER DISMISSING APPEAL

On September 15, 2008, Appellants filed a Notice of Appeal. On August 30, 2010, Appellants filed a request to reopen prosecution, exercising their option to reopen prosecution in response to a new ground of rejection contained in the Examiner's Answer mailed on June 29, 2010. Per 37 C.F.R. § 39(b)(1), this request is treated as a request to withdraw the appeal.

Accordingly, the appeal in this application is dismissed.

The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

babc

Whirlpool Patents Company -MD 0750  
500 Renaissance Drive  
Suite 102  
St. Joseph, MI 49085